

**Executive Summary – Enforcement Matter – Case No. 43745**  
**WTG GAS PROCESSING, L.P.**  
**RN100211473**  
**Docket No. 2012-0564-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

East Vealmoor Gas Plant, located 8 miles west on Farm-to-Market ("FM") Road 846 from the Texas Highway 305 and FM 846 intersection, near Coahoma, Howard County

**Type of Operation:**

Gas processing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket Number 2012-0294-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** August 10, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$13,563

**Amount Deferred for Expedited Settlement:** \$2,712

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$10,851

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

**Executive Summary – Enforcement Matter – Case No. 43745**  
**WTG GAS PROCESSING, L.P.**  
**RN100211473**  
**Docket No. 2012-0564-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** February 3 to 28, 2012

**Date(s) of NOE(s):** March 2, 2012

***Violation Information***

1. Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery. Specifically, Incident No. 159413 was discovered on September 13, 2011 but was not reported until September 20, 2011 [30 TEX. ADMIN. CODE § 101.201(a)(1)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to prevent unauthorized emissions. Specifically, 7,789 pounds (“lbs”) of volatile organic compounds, 5,591 lbs of carbon monoxide, 2,800 lbs of nitrogen oxides, 864 lbs of methane and 2,839 lbs of ethane were released during an emissions event (Incident No. 159413) which began on September 13, 2011, and lasted for 18 hours and 10 minutes [30 TEX. ADMIN. CODE § 116.115(c), Air Permit 20137, Special Conditions No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

On September 20, 2011, Respondent submitted the initial notification for Incident No. 159413 and conducted training to ensure the timely reporting of emissions events.

**Technical Requirements:**

N/A

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

**TCEQ SEP Coordinator:** N/A

**Executive Summary – Enforcement Matter – Case No. 43745**  
**WTG GAS PROCESSING, L.P.**  
**RN100211473**  
**Docket No. 2012-0564-AIR-E**

**Respondent:** J.L. Davis, President, WTG GAS PROCESSING, L.P., 211 North Colorado, Midland, Texas 79701

**Respondent's Attorney:** N/A



<b>DATES</b>	Assigned <b>5-Mar-2012</b>	Screening <b>9-Mar-2012</b>	EPA Due <b>24-Nov-2012</b>
	PCW <b>12-Mar-2012</b>		

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	WTG GAS PROCESSING, L.P.		
Reg. Ent. Ref. No.	RN100211473		
Facility/Site Region	7-Midland	Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	43745	No. of Violations	2
Docket No.	2012-0564-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Nadia Hameed
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum <b>\$0</b>		Maximum <b>\$25,000</b>	

<b>Penalty Calculation Section</b>			
<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>			<b>Subtotal 1</b> <b>\$7,750</b>
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
<b>Compliance History</b>		<b>100.0%</b> Enhancement	<b>Subtotals 2, 3, &amp; 7</b> <b>\$7,750</b>
Notes	Enhancement for four NOV's with same/similar violations, one NOV with dissimilar violations, five orders with denial of liability, and two orders without denial of liability.		
<b>Culpability</b>	<b>No</b>	<b>0.0%</b> Enhancement	<b>Subtotal 4</b> <b>\$0</b>
Notes	The Respondent does not meet the culpability criteria.		
<b>Good Faith Effort to Comply Total Adjustments</b>			<b>Subtotal 5</b> <b>\$1,937</b>
<b>Economic Benefit</b>		<b>0.0%</b> Enhancement*	<b>Subtotal 6</b> <b>\$0</b>
Total EB Amounts <b>\$0</b> Approx. Cost of Compliance <b>\$600</b>		*Capped at the Total EB \$ Amount	
<b>SUM OF SUBTOTALS 1-7</b>			<b>Final Subtotal</b> <b>\$13,563</b>
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		<b>0.0%</b>	<b>Adjustment</b> <b>\$0</b>
Reduces or enhances the Final Subtotal by the indicated percentage.			
Notes			
			<b>Final Penalty Amount</b> <b>\$13,563</b>
<b>STATUTORY LIMIT ADJUSTMENT</b>			<b>Final Assessed Penalty</b> <b>\$13,563</b>
<b>DEFERRAL</b>		<b>20.0%</b> Reduction	<b>Adjustment</b> <b>-\$2,712</b>
Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)			
Notes	Deferral offered for expedited settlement.		
<b>PAYABLE PENALTY</b>			<b>\$10,851</b>

Screening Date 9-Mar-2012

Docket No. 2012-0564-AIR-E

PCW

Respondent WTG GAS PROCESSING, L.P.

Policy Revision 3 (September 2011)

Case ID No. 43745

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100211473

Media [Statute] Air

Enf. Coordinator Nadia Hameed

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	4	20%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 172%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for four NOVs with same/similar violations, one NOV with dissimilar violations, five orders with denial of liability, and two orders without denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 172%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 100%

Screening Date 9-Mar-2012

Docket No. 2012-0564-AIR-E

PCW

Respondent WTG GAS PROCESSING, L.P.

Policy Revision 3 (September 2011)

Case ID No. 43745

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100211473

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1)(A) and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery. Specifically, Incident No. 159413 was discovered on September 13, 2011 but was not reported until September 20, 2011.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

The Respondent met at least 70% of the rule requirement.

Adjustment \$24,750

\$250

## Violation Events

Number of Violation Events 1

6 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended for the late notification.

## Good Faith Efforts to Comply

25.0% Reduction

\$62

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed the corrective actions on September 20, 2011, prior to the March 2, 2012 NOE.

Violation Subtotal \$188

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$438

This violation Final Assessed Penalty (adjusted for limits) \$438

# Economic Benefit Worksheet

Respondent WTG GAS PROCESSING, L.P.  
 Case ID No. 43745  
 Reg. Ent. Reference No. RN100211473  
 Media Air  
 Violation No. 1

Percent Interest 5.0  
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
 Item Description No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	14-Sep-2011	20-Sep-2011	0.02	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	14-Sep-2011	20-Sep-2011	0.02	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense to submit initial notification and for training to ensure the timely reporting of emissions events. The Dates Required are the date the notification was due and the Final Dates are the date that the notification was submitted and when corrective actions were completed.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$0



Screening Date 9-Mar-2012

Docket No. 2012-0564-AIR-E

PCW

Respondent WTG GAS PROCESSING, L.P.

Policy Revision 3 (September 2011)

Case ID No. 43745

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100211473

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 116.115(c), Air Permit 20137, Special Conditions No. 1 and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, 7,789 pounds ("lbs") of volatile organic compounds, 5,591 lbs of carbon monoxide ("CO"), 2,800 lbs of nitrogen oxides, 864 lbs of methane and 2,839 lbs of ethane were released during an emissions event (Incident No. 159413) which began on September 13, 2011, and lasted for 18 hours and 10 minutes. Incident No. 159413 was originally a maintenance activity that exceeded the reportable quantity for CO, making the maintenance activity fall into the category of an emissions event. Since the Respondent failed to report the emissions event in a timely manner, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 30.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

## Good Faith Efforts to Comply

25.0% Reduction

\$1,875

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed the corrective actions on September 20, 2011, prior to the March 2, 2012 NOE.

Violation Subtotal \$5,625

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$13,125

This violation Final Assessed Penalty (adjusted for limits) \$13,125

# Economic Benefit Worksheet

**Respondent** WTG GAS PROCESSING, L.P.  
**Case ID No.** 43745  
**Reg. Ent. Reference No.** RN100211473  
**Media** Air  
**Violation No.** 2

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
**Item Description** No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit under Violation No. 1.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600125439 WTG Gas Processing, L.P. Classification: AVERAGE Rating: 7.12

Regulated Entity: RN100211473 EAST VEALMOOR GAS PLANT Classification: AVERAGE Site Rating: 31.90

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	HT0016G
AIR OPERATING PERMITS	PERMIT	3180
AIR NEW SOURCE PERMITS	REGISTRATION	91700
AIR NEW SOURCE PERMITS	PERMIT	5301
AIR NEW SOURCE PERMITS	PERMIT	8461
AIR NEW SOURCE PERMITS	PERMIT	20137
AIR NEW SOURCE PERMITS	REGISTRATION	37218
AIR NEW SOURCE PERMITS	REGISTRATION	47146
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HT0016G
AIR NEW SOURCE PERMITS	AFS NUM	4822700003
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HT0016G

Location: 8 MILES WEST ON FARM-TO-MARKET ROAD 846 FROM THE TEXAS HIGHWAY 305 AND FM 846 INTERSECTION, NEAR COAHOMA, HOWARD COUNTY, TEXAS

TCEQ Region: REGION 07 - MIDLAND

Date Compliance History Prepared: March 09, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 09, 2007 to March 09, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Nadia Hameed Phone: 713-767-3629

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 01/28/2008

ADMINORDER 2007-0722-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit an annual certification and semi-annual deviation reports within 30 days and submit all instances of deviations, as documented during an investigation conducted on February 13, 2007. Specifically, the annual certification for the period 1/13/05 through 1/12/06 and the semi-annual deviation reports for the periods 1/13/04 through 7/12/04 and 1/13/05 through 7/12/05 were not

submitted within 30 days and failed to include all instances of failure to comply with minimum srueffs.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 5301 PERMIT  
Special Condition 6.B. PERMIT

Description: Failed to perform the annual evaluation of the catalyst degradation for Emission Point No. CM-20, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review ("NSR") Permit No. 5301, Special Condition No. 6B and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 13, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT LLL 60.642(b)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: MAERT PERMIT

Description: Failed to prevent the exceedance of sulfur dioxide and maintaining sulfur dioxide reduction efficiency above the 74% federal minimum requirement and 94% permitted minimum requirement for the reporting periods January 13, 2004 to January 12, 2007, as documented during an investigation conducted on February 13, 2007.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to properly submit semi-annual deviation reports and include all instances of deviations, as documented during an investigation conducted on February 13, 2007. Specifically, semi-annual deviation reports for the reporting periods 7/13/04 - 1/12/05, 7/13/05 - 1/12/06, 1/13/06 - 7/12/06 and 7/13/06 - 1/12/07 did not include deviations for the late submittal of previous deviation reports and included incorrect reporting of instances where WTG failed to comply with minimum SRU efficiencies.

**Effective Date: 10/04/2009**

**ADMINORDER 2009-0210-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 5 PERMIT

Description: Failure to maintain a minimum sulfur reduction efficiency of 94.0%. Specifically, the minimum efficiency was not met on the following dates in 2007: January 3 (92.46%), February 9 (86.09%), February 27 (93.94%), March 1 (93.1%) April 26 (93.0%), May 2 (93.4%), May 14 (93.5%), and May 25 (93.6%).

**Effective Date: 06/18/2010**

**ADMINORDER 2009-1371-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: NSR Permit No. 20137 PERMIT

Description: Failed to maintain records of sulfur dioxide ("SO2") emissions, stack oxygen concentration, and exhaust flow. Specifically, the Respondent has failed to maintain records from the Tail Gas Incinerator (EPN INC-1) for the January 13, 2008 through January 12, 2009 certification period.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: NSR Permit No. 20137 SC No. 10 PERMIT

Description: Failed to maintain an emission rate below the allowable 1.0 grams per horsepower hour ("g/hp-hr") limit for carbon monoxide ("CO") from the Waukesha L7042 Engine (Emission Point Number ("EPN") CM16). Specifically, the Respondent exceeded the permitted CO emission limit from January 2008 through August 2009.

**Effective Date: 09/26/2010**

**ADMINORDER 2010-0219-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 16F PERMIT

Description: Failure to conduct stack testing every five years. The incinerator stack testing should have been conducted by October 24, 2008, but was not completed until November 17, 2009.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter W 106.512(2)(C)(iii)  
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct biennial engine testing on Emission Point Numbers ("EPN") CM-31 and CM-32 for nitrogen oxides and carbon monoxide. The testing was required to have been conducted by July 26, 2009, but the test was not completed until January 4, 2010, for CM-31 and on January 5, 2010 for CM-32.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)

Description: Failure to report all instances of deviation. Specifically, the Respondent did not report two deviations in its January 13, 2009 through July 12, 2009 and July 13, 2009 through October 4, 2009 deviation reports.

**Effective Date: 06/20/2011**

**ADMINORDER 2010-1796-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THSC Chapter 382 382.085(b)

Description: Failed to report emissions event within 24 hours after discovery of the event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: NSR Permit 20137, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Since this event was avoidable and reported late, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: NSR Permit 20137, Special Condition 1 PERMIT  
Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions. Since this event was avoidable and reported late, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

**Effective Date: 08/27/2011**

**ADMINORDER 2011-0283-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter A 112.3(a)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions and exceeded the net ground level concentration of 0.4 ppmv of SO<sub>2</sub> during an emissions event (Incident No. 147325) which began on November 12, 2010.

**Effective Date: 10/02/2011**

**ADMINORDER 2011-0122-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: NSR Permit 20137 Special Conditions No 5 PERMIT

Description: Failure to maintain a minimum 94% sulfur recovery efficiency from the Sulfur Recovery Unit ("SRU"). Specifically, there were 19 days between June 10, 2010 and August 12, 2010, in which the sulfur recovery of the SRU ranged from 89.7% to 93.8%.

- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	04/04/2007	(555226)
2	01/16/2009	(685433)
3	07/01/2009	(760328)
4	08/03/2009	(764110)
5	09/09/2009	(775260)
6	01/22/2010	(787934)
7	01/22/2010	(789064)
8	01/26/2010	(789444)
9	03/09/2010	(794398)
10	03/19/2010	(796251)
11	04/13/2010	(797979)
12	07/30/2010	(843462)
13	08/20/2010	(849593)
14	10/12/2010	(866338)
15	12/22/2010	(884612)
16	12/21/2010	(885115)
17	01/07/2011	(887592)
18	01/25/2011	(892988)
19	03/11/2011	(905589)
20	09/26/2011	(956180)
21	01/18/2012	(976836)
22	01/12/2012	(976843)
23	01/30/2012	(982740)
24	01/31/2012	(982792)
25	03/01/2012	(989320)

## E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

**Date: 01/16/2009 (685433)****CN600125439**

Self Report? NO Classification: Major  
 Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)(C)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to properly report deviations involving the failure to comply with the permitted minimum sulfur recovery unit efficiencies. All deviations due to the SRU inability to maintain efficiency were reported as deviations; however, the entries were for specified periods of time rather than individual days. Each deviation should be reported separately.

**Date: 08/03/2009 (764110)****CN600125439**

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to submit RATA test to regional office within 30 days of test.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to report all instances of deviation on deviation report.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 NSR Permit No. 20137 PERMIT  
 Description: Failure to maintain records as stipulated in the permit.

**Date: 01/15/2010 (787934)****CN600125439**

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to submit Annual Compliance Certification within 30 days of the end of the certification period.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to submit deviation report within 30 days of the end of the certification period.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition No. 2 PERMIT  
 Description: Failure to submit a written report of excess emissions to the TCEQ regional office within 30 days of the end of the six-month period (three counts).  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to report all instances of deviation in deviation reports.

**Date: 12/23/2010 (884612)****CN600125439**

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to report all instances of deviation in the deviation report.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 106, SubChapter W 106.512(2)(C)(iii)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to maintain records documenting compliance with 30 TAC 106.512(2)(C) (iii).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition No. 4 PERMIT

Description: Failure to maintain O2 concentrations above 3% in accordance with Special Condition No. 4 of NSR Permit No. 20137. 30 TAC 116.115(c).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition No. 4 PERMIT

Description: Failure to maintain the incinerator firebox temperature above 1200° Fahrenheit in accordance with Special Condition No. 4 of NSR Permit No. 20137.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition No. 16B PERMIT

Description: Failure to conduct cylinder gas audit of the CEMS system during the third quarter in accordance with Special Condition No. 16B of NSR Permit No. 20137.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition No. 8 OP

Description: Failure to maintain daily visible emission records in accordance with Special Condition No. 8 of SOP No. O-3180.

Date: 01/13/2012 (976843) CN600125439

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition No. 5 PERMIT

Description: Failure to record daily sulfur recovery efficiency in accordance with Special Condition No. 5 of NSR Permit No. 20137.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Description: Failure to record short term sulfur dioxide emissions in accordance with Special Condition No. 23(D) of NSR Permit No. 20137.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition No. 20 PERMIT

Description: Failure to maintain quality assurance data generation downtime below 5% of the time the tail gas incinerator is operated as stipulated by Special Condition No. 20 of NSR Permit No. 20137.

F. Environmental audits.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
WTG GAS PROCESSING, L.P.  
RN100211473**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2012-0564-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding WTG GAS PROCESSING, L.P. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a gas processing plant located 8 miles west on Farm-to-Market ("FM") Road 846 from the Texas Highway 305 and FM 846 intersection, near Coahoma, Howard County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 7, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirteen Thousand Five Hundred Sixty-Three Dollars (\$13,563) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Ten Thousand Eight

Hundred Fifty-One Dollars (\$10,851) of the administrative penalty and Two Thousand Seven Hundred Twelve Dollars (\$2,712) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that on September 20, 2011, the Respondent submitted the initial notification for Incident No. 159413 and conducted training to ensure the timely reporting of emissions events.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 3 to 28, 2012. Specifically, Incident No. 159413 was discovered on September 13, 2011 but was not reported until September 20, 2011.
2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit 20137, Special Conditions No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted from February 3 through 28, 2012. Specifically, 7,789 pounds ("lbs") of volatile organic compounds, 5,591 lbs of carbon monoxide ("CO"), 2,800 lbs of nitrogen oxides, 864 lbs of methane and 2,839 lbs of ethane were released during an emissions event (Incident No. 159413) which began on September 13, 2011, and lasted for 18 hours and 10 minutes. Incident No. 159413 was originally a maintenance activity that exceeded the reportable quantity for CO, making

the maintenance activity fall into the category of an emissions event. Since the Respondent failed to report the emissions event in a timely manner, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: WTG GAS PROCESSING, L.P., Docket No. 2012-0564-AIR-E" to:  
  
Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph

exclusively, the terms “electronic transmission”, “owner”, “person”, “writing”, and “written” shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Pam Sourin Jr.  
For the Executive Director

8/24/12  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

[Signature]  
Signature

5-24-12  
5-24-12  
Date

J. H. [Signature]  
Name (Printed or typed)  
Authorized Representative of  
WTG GAS PROCESSING, L.P.

[Signature]  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.